UNITED STATES DISTRICT COURT
DISTRICT OF MAINE

GLEN GILMAN MICHAUD,   )
)
        Plaintiff,   )
)
v.   ) Civil No. 7-104-B-K
)
MAINE DEPARTMENT OF CORRECTIONS,   )
et al.,   )
        Defendants.   )

MEMORANDUM OF DECISION[1] ON PLAINTIFF'S MOTION TO DISMISS

Plaintiff Glen Michaud, pro se, filed a motion to dismiss without prejudice. (Doc. No.

23.) Both sets of defendants responded to the motion and Michaud did not file a reply. Prior to

granting this motion, I gave Michaud the opportunity to clarify his request in two respects:

(1) As to the State defendants, Magnusson and Merrill, the matter was previously dismissed
     on the merits and that dismissal is with prejudice;

(2) As to the Correctional Medical Service defendants, if Michaud believes that he has made
    legitimate discovery requests on the defendants' attorney and has not received any
    response, I will grant him leave to file a motion to compel discovery to explain to the
    court the discovery he seeks. If I am satisfied that he is entitled to the discovery, I will
    order the defendants' attorney to produce the material. Although CMS does not object to
    the dismissal without prejudice, Michaud should understand that the case has been
    pending for almost one year and he may be unable to reinstitute it after his release for a
    variety of legal reasons, even though it has been dismissed without prejudice. If Michaud
    wants to obtain court ordered discovery, he should file a motion to compel specific
    discovery requests by June 16, 2008, failing which I will grant his motion to dismiss
    without prejudice and the entire case will be closed.

Michaud has not filed a motion to compel discovery or any other response to this order. As to

the Correctional Medical Service defendants I dismiss this case without prejudice.

So Ordered.
June 18, 2008   /s/ Margaret J. Kravchuk
                                 U.S. Magistrate Judge

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[1]   Pursuant to 28 U.S.C. § 636(c), the parties have consented to have United States Magistrate Judge Margaret
J. Kravchuk conduct all proceedings in this case, including trial, and to order entry of judgment.